

**Criminal Justice Collaborating Council
Programs and Alternatives Standing Committee
Wednesday, January 14, 2009**

Peter Schuler called the meeting to order at 8:33 a.m.

Committee Members Present: Chair Peter Schuler, Rebecca Luczaj, Sara Carpenter, Diane Kelsner, Mike DeMares, Jane Batha, Dick Manke, Shirlee Bedard, Linda Sumwalt.

Schuler announced that over the next three meetings, we will be working on looking at program areas for the next budget session. He will be working on getting jail data from Mike Giese and discuss what it takes to keep the jail operating at a 75% or 80% level so they are not having to plan on shipping inmates elsewhere or build another jail. This was one of the original goals and tasks of the Criminal Justice Collaborating Council. Working back from those numbers how many alternatives can we find to keep the flow at normal. What do we do when we start getting into the “worried zone”, where we have to start planning on shipping people out. One of the roles of the workgroup is to come up with ideas and suggestions for rehabilitation or ways to divert. Judge Davis has some pretty good ideas for the Alcohol Workgroup. The Executive Committee of the Council wants to spend more time working on new solutions, rather than becoming bogged down with current programs that are working well. The Council will make sure these programs are managed and monitored without having to draw as much of their time. This will also allow Rebecca to work on new programs as well as applying for grants. They also want the Human Services Department to help support the Council and Coordinator more. These programs won’t be managed by Human Services, but our staff knowledge can help Rebecca become more knowledgeable in the key programs. Because Mike’s staff and Sara are so on top of their programs they can come before us at the last minute with updates.

Community Reintegration Program 2008 Year End Update

Shirlee Bedard passed out a report on the above topic. She read over the information included on the report. Shirlee explained how we receive the contact. The inmates fill out an Inmate Communication form and this is forwarded on. Dan is the half time social worker in the jail and works on the medical floor along with the nurses and social worker and AODA counselor. Of those Dan had contact with 9 of them refused services as noted on the statistic form. The long term contacts includes those we are payee for. Of the 47 who were given SSI applications, less than half were eligible. Of the 48 receiving benefits, Shirlee is payee for 31 of them, others have payees in Milwaukee County and some are their own payees. Hebron House has picked up the payee responsibility for some clients. They cannot handle their own finances. She continued by reviewing the Mental Health and AODA services statistics. They provided housing assistance to 28 people who needed security deposits and help paying rent for a short time. Shirlee stated that because we have so few homeless shelters, it probably accounts for some of those clients in the jail. She has no idea how many inmates do this. Also, if someone is a registered sex offender, they cannot get into a homeless shelter. DeMares stated that at one time they were able to get a listing of the arrest records of the clients they had prior to getting involved and we had their recidivism rates. We haven’t had that in a number of years because we just weren’t able to get it off the computer system. Diane Kelsner stated that there is a CIB Crime Information Bureau website through the Department of Justice. She stated that even employers are able to get

criminal records on their employees. Kelsner said that everyone who is arrested is fingerprinted and electronically sent to CIB. When they enter disposition on that case, there is also electronic reporting of that disposition from CCAP to CIB. DeMares asked Rebecca to look into that. Kelsner said that Spillman only had Waukesha County arrests in our own jail. You wouldn't be able to see that someone was arrested in Oconomowoc and released. Those clients seeking ATR assistance are 99.8% or more on a probation and parole hold. Schuler stated that before the county lost the general relief program that would cover some of these minor expenses such as food and rent. However, it was simply a resource and people would not get any follow-up or counseling. Shirlee stated that she has a number of clients who know how to survive by prostitution, stealing, etc. and they know its wrong and they may end up in jail again, but they don't know any other way to survive. There was some brief discussion about clients who apply for SSI paying back those borrowed amounts from the county when they get their initial check. Shirlee feels if we could do more payeeships out of here, we could recoup more of the money. Jane Batha stated we should look at all the community programs out there, SOAR for instance. We don't know what other groups are doing and maybe we should bring in a case manager from some of these groups. From that discussion we could possibly collaborate with other agencies to find ways to help these people. Schuler felt this is the place to get them together. This is a long term struggle. Manke asked if there was a law where we could get some of those initial SSI payments to recoup some of the money we paid out. Schuler recalls that at one time, if the client signed an interim agreement, it gave the Social Security Administration the authority to send that initial check directly to us and it went up to the general relief unit to disburse. The reason that program ended was due to more of the medical aspect of it and payment for medical costs than it did with the benefit side. Due to budget cuts, the program was eliminated. BASIC was generally for single people and W-2 for families, but food share is still available. Until BadgerCare Plus is available, single people without dependent children don't have any medical coverage.

WCS 2008 Year End Program Update

Carpenter started her presentation with the announcement that the DOT state funding for OWI programs was approved. In the proposal Carpenter submitted she asked for a substantial increase as well as money to fund a validated risk tool to enable them to predict risk and needs based on failure to appear, danger to the community and needs of the clients who have been in the program. A consultant will assist in going over all data and will help the program come up with this research tool and validate it. The tool costs approximately \$41,690 to develop and validate. The increase of the state's funding to the OWI program will help substantially. This tool will help manage their caseloads better, determine levels of supervision and appropriate intervention based on clients' risks and needs. This tool is for the Pre-trial OWI Intervention Program.

Today Carpenter will be covering the Jail Screening Program and the Day Report Center. She passed out copies of statistics for the month of December and for all of 2008. The goal for the Jail Screening Program is to provide the court with objective information when it comes to setting appropriate bail. It is also helpful to determine who should be referred to the WCS Pretrial Supervision Program. The program screens all new inmates with pending criminal charges which may include new charges, open bench warrants, arrest warrants, and occasionally some orders to produce. All inmates screened are appearing in intake court on that same day. The staff conducts all interviews and verifies all information that morning and produce a report. They use a risk tool to help them present objective information to the Courts, District Attorney

and Public Defenders. The risk tool considers the number of bench warrants, number of felony convictions, two or more alcohol related offenses, county of residence, etc. to help us identify the risk. Carpenter then read over the statistics from the month of December followed by the yearly figures. The majority of offenders are male Caucasians between the ages of 18 and 34. Carpenter reported that there is one full time staff and 2 part-time staff members who work in the jail screening program. Part-time staff are paid hourly and their benefits are pro-rated with their hours and are not eligible for medical benefits. When a staff person takes time off, WCS can provide backup coverage from other staff who have worked in the jail and are now working in other WCS programs. They cross train and utilize leadership to help provide coverage for programs and train new staff. They had two part-time staff leave this year – one had achieved her masters degree and moved on and another was a retired person who decided it was definitely time to fully retire. It is a busy operation especially when there is a great number of people for an intake hearing. Sometimes there are 20 interviews in one morning.

DeMares asked if Carpenter has seen any major trends, i.e. many do not have high school diplomas. Also if clients have intakes with alcohol and drug issues is that related to the crime for which they are there? Carpenter replied that this is something they would have to look further into. It is definitely an underlying issue and why they may be involved in criminal conduct. They do look at the criminal history on the risk tool and anything related to alcohol and drugs. DeMares asked if there is possibility down the road that when a client states they have a history of mental illness that the questionnaire will take them down another track of questioning that can be used to provide a referral for assistance at the mental health outpatient clinic. Carpenter stated that the screening program and the information gathered is helpful to the other WCS programs specifically the pretrial supervision program. This program has seen an increase in the number of clients with mental health and AODA issues. According to Schuler one of the outcome justifications of this program is that it helps in the bail decisions and is helpful to the court commissioners. Kelsner stated that the courts will use this information for referral to treatment programs. It identified people to follow certain tracks. Carpenter stated they remain very objective throughout the process and make an informed decision on failure to appear. WCS would like to validate the tool and identify factors that should be tweaked a little – what factors to use to determine risk. Dr. VanOstrom would be the one to do this as she invented the tool. WCS has found the tool to be very effective and Commissioner Binn says this program has been very helpful to him. They really work to get the reports to the DA's office by 10:30 even though Intake Court begins at 1:30. Their staff start at 5:00 and 6:00 a.m. to get this done. There was much discussion about ways to determine the level of mental illness in the jail. DeMares stated that there are not many who have persistent mental illness because those clients get placed elsewhere. It's those clients that do not have serious mental illnesses but have other behavioral issues and acting out, but they don't want help and they are not a danger to others or themselves and those are the clients we have difficulty maintaining. Carpenter will report on the Day Report Center at an upcoming meeting.

Discussion of Municipal Offenders in the Jail

This issue was tabled from the last meeting and it is regarding crowding in the jail and taking a look at how many municipal offenders were in the jail. Luczaj did some research prior to the last meeting and on December 15th she took a look at the jail population. On that day we had 789 inmates and of those only 48 were municipal offenders. In talking to Mike Giese, he doesn't see

the numbers as being an issue because they are not significant, but the problem is what we as a county are able to charge municipalities for housing these individuals in the county jail. We are only able to charge a little over \$11/day. There is a state statute (a copy of which Rebecca handed out) that dictates that we are only able to charge for what is considered out of pocket expenses, such as food cost, cost to launder clothing, etc. Giese has brought this up to Corporation Counsel, and this has been an ongoing investigation. Dane County was able to get around this statute by an ordinance which allows them to charge municipalities \$80.45/day to house municipal inmates. Rebecca handed out a copy of this ordinance. Giese has showed this ordinance to Corporation Counsel office to see if we can do something similar. Kelsner stated that municipal courts can't pursue collection of fines. She thought that legislation had been brought forward to allow municipal courts to collect fees through tax intercept or income assignment rather than incarcerate those that cannot pay, but this has not gone any further. Kelsner will find a copy of this and give a copy to Rebecca. Schuler said that a process is occurring right now to prepare for a meeting on January 23rd when WCA will be here with their legislative delegation. All departments have been asked for key issues to bring forward. Rebecca can also put this on the agenda for the full Council meeting.

Update on Alcohol Treatment Court Enhancement Grant Application

Luczaj stated that we do have a judicial rotation coming up in August. Judge Kieffer will be transitioning in as the Alcohol Treatment Court Judge. Rebecca will work with Judge Davis on this because it is very important to get the incoming Judge training in the drug court model. Judge Kieffer is not able to attend the national conference in June, but she did come across a specific judicial training that the National Association of Drug Court Professionals is sponsoring in March and October 2009. Judge Kieffer will be attending one of these trainings. Kelsner stated that the Victim Impact Panel will also be affected by this change. Judge Dreyfus currently presides over the Victim Impact Panel and chairs the steering committee and we don't know if Judge Kieffer will chair the steering committee.

Luczaj announced that the ATC Enhancement Grant application will be submitted at the end of the month. There has been some debate about what we are applying for as it relates to the 60 days on SCRAM. The debate originated in the Alcohol Treatment Court Subcommittee last week. It was raised by the Public Defender's Office and also Judge Foster had some concerns. The concern is that the Court does not want to put in language that would restrict us to putting every new person on SCRAM for the first 60 days. They wanted to be able to have some discretion to not put some people on SCRAM for the first 60 days if they didn't feel it was necessary. They are referring to individuals that have had a lot of treatment prior to coming into court. They felt it might be detrimental to put those individuals on SCRAM for that long. The Executive Committee members feel very strongly that it needs to be across the board for everyone coming in being placed on SCRAM for the first 60 days except in the case of an extraordinary circumstance as determined by the Alcohol Treatment Court Judge. This is the language proposed by the District Attorney and all Executive Committees members agreed. We are moving forward on this based on the Executive Committee's decision. Sara thanked Rebecca for her work on this. WCS sees SCRAM as a tool not to be punitive, but to provide for the first time accurate fact based 24 hour view of the offender's drinking patterns. When they are in the pre-trial program they may accomplish a lot of things but they know when they're coming in for office appointments, when they will be tested and they will drink around that

schedule. There is no guarantee that they have been totally sober during their treatment times. They want to be able to help these people especially during this first phase and help them be more successful. This would give WCS the ability to look at the outcomes of those who are on SCRAM for 15 days and those who are on 60 days. If we find that it's not really making a big difference and not an effective solution, we can change back to 15 days. Carpenter stated that these federal grants can be amended. What's important is to keep it simple rather than put in the presumptions which can make it more difficult to be awarded the grant.

The next meeting is scheduled for February 11, 2009

The meeting adjourned at 10:35 a.m.

Minutes recorded by Kathy Leach

Approved on _____
Date